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Reply to New York City Office

Via ECF Filing & E-Mail

January 30, 2014

Hon. Katherine B. Forrest
United States Magistrate Judge
United States Court House
500 Pearl Street,
New York, New York 10007

Re: J&N Records, LLC v. Planet Records et al.
12CV7265 (TPG) (ECF Case)

Dear Judge Forest:

This office represents the plaintiff J&N Records, LLC (“Plaintiff”) in connection with the above-referenced action. I write today jointly with counsel for defendants Planet Records, a division of Ferrante Productions, S.R.L. (the “Defendant”) to (1) respectfully request an adjournment of the Status Conference scheduled for tomorrow, January 31, 2014 at 3:00 p.m. and, (2) respectfully request a thirty (30) day extension of all discovery dates in the Scheduling Order issued by Your Honor on October 25, 2013. This is the first request for an adjournment of the Status Conference and the Scheduling Order by the parties.

We are familiar with Your Honor’s Individual Rules and Practices, and I am aware that any requests for an extension of time or adjournment should be made two (2) days before the deadline. We do apologize for the short notice of the request for an adjournment of the Status Conference, however, today counsel for the parties were able to meet and confer telephonically for a substantial amount of time and were able to work through all outstanding discovery issues, including document production and the scheduling and taking of party and potentially third party depositions. Therefore, it is counsel’s belief that through our joint efforts, the Status Conference tomorrow is moot as we do not require the Court’s intervention at this time.

However, after discussing in some of the remaining discovery that needs to be conducted, the parties respectfully request a thirty (30) day extension of the deadlines in the Scheduling Order. The reason for this request is primarily due to the fact that the Defendant is located in Italy and the Plaintiff is located in Florida and arrangements are being made for depositions to be taken if possible in person. In any event, counsel for the Defendant would like to be with the corporate representative at the time of the deposition, and if this takes place in Italy, there are certain procedural measures that the Hague

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Convention requires, which may take three to four weeks to properly complete. Additionally, the parties also expect to conduct at least one or two third party depositions to take place, however this will not be determined until the party depositions are completed.

Another factor contemplated by the parties in making their request for an adjournment of the Scheduling Order is that of the timing of the expert reports and discovery. The Defendant's expert report is currently due on February 10, 2013. Since fact discovery, including document productions, will not have been completed by that date, Defendant's expert may not have all of the necessary information required to prepare a comprehensive and accurate report.

The parties are working diligently to complete fact discovery but due to the above facts and circumstances are in need of additional time to do so.

Should Your Honor require any additional information, I can be reached at the telephone number listed herein and I will promptly conference in counsel for the Defendant.

Respectfully submitted,

/s/

Jon D. Jekielek

Cc: Lydia Ferrarese. (Via E-Mail)
Attorney for Planet Records, a division of Ferrante Productions, S.R.L. and Roberto Ferrante